



Carn Brea Parish Council

Planning Procedures & Pre-App Policy

Adopted: Full Council 18th April 2024

Minute Ref: 24/04/10

Reviewed on: 26th March 2026

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1. Procedure for dealing with Non-Material Amendments:-

Introduction

Applicants granted planning permission may wish to change minor details which have been approved. The planning process requires them to apply for a non-material amendment. These applications are required to be decided within 14 days.

Procedure

If the request has a return date which allows the request to come before the Planning Committee before its expiry, the Committee will consider it.

If the return date does not allow for non-material amendments to be dealt with by the Planning Committee, the Chairman and Vice Chairman of Planning, in liaising with the Planning Committee members and relevant Cornwall Councillor will respond with the majority decision to the Clerk/Assistant Clerk in order for them to make the appropriate response.

The Planning Committee will receive a report on the action taken at its next meeting.

2. Procedure for dealing with Local Protocol: -

Introduction

The Local Protocol is an agreed process to deal with the situation when a Town/Parish council does not agree with the recommendation of a Planning Officer in respect of a Planning Application (PA) which the town/parish council has considered.

If the Case Officer's potential recommendation does not agree with the view of Carn Brea Parish Council, the Case Officer will email the Parish Clerk invoking the Local Protocol, which requires CBPC to reply to the Case Officer within 5 working days of the email.

Procedure

If the request has a return date which allows the request to come before the Planning Committee before its expiry, the Committee will consider it.

If the return date does not allow for the local protocol to be dealt with by the Planning Committee, the Chairman and Vice Chairman of Planning, in liaising with the Planning Committee members and relevant Cornwall Councillor will respond with the majority decision to the Clerk/Assistant Clerk in order for them to make the appropriate response.

The Planning Committee will receive a report on the action taken at its next meeting.

3. Planning Appeals Process

Introduction

When an application for a planning appeal has been made to the Planning Inspectorate, the Council will be notified.

The appeal may be decided on the basis of an exchange of written statements by the parties and a site visit by an inspector, or a face-to-face hearing or a Full Public Appeal Hearing. The Process will be decided by the Planning Inspector. If the Appeal Hearing is face-to-face, or in public, CBPC as an interested party will be allowed speak at the hearing.

The Parish Council's representations made will be considered by the Inspector when determining the appeal, however further comments, or modifications/withdraw of previous representation can be done online.

Procedure

If the appeal can be considered as an agenda item at the next Planning Committee meeting an agenda item will be added to consider if any further comments are required.

If the appeal date does not allow for consideration by the committee, the Chairman and Vice Chairman of Planning, in liaising with the Planning Committee members and relevant Cornwall Councillor will consider if any further comments are necessary and if so, forward to the Clerk/Assistant Clerk in order for them to make the appropriate response. If no further comments are needed a response is not necessary.

The Planning Committee will receive a report on the action taken at its next meeting.

4. Pre-Application Policy

Introduction

The Pre-Application procedure (Pre-App) is a benefit to potential applicants as it highlights those planning considerations which are important and might have been overlooked up to that point. This policy is to be followed by Councillors following a request from a prospective Planning Applicant to discuss Pre-App advice given by a Planning Officer.

For a fee, developers and individuals who are considering submitting a Planning Application to Cornwall Council Planning Department have the facility and opportunity to submit an application to Cornwall Council for 'preliminary' advice prior to submitting the full application.

The Planning Officer advises applicants at Pre-App stage to contact the appropriate Town or Parish Council and also advises some prospective developers to consider contacting the Town/Parish Council *prior* to Pre-App stage to discuss their intentions. (the term applicant includes an 'agent' for an applicant)

Procedure

It is vital that the words and behaviour of the representatives of Carn Brea Parish Council, in response to an approach from a potential developer, is absolutely appropriate and cannot be interpreted by the potential developer as pre-judging the decision of the Planning Committee in the event that a full Application is submitted to Cornwall Council. There must be nothing said or done which might indicate any element of 'pre- determination'.

1. A request to Carn Brea Parish Council by an Applicant should be made to the Clerk who will forward it to the Chairman of the Planning Committee for action.
2. A written record should be kept of every request to CBPC by an Applicant in respect of Pre-App advice given to them by Cornwall Council Planning Department using the attached Pre-App Record Form. The written record should be made on the Pre-App Record Form attached to this policy document.
3. A copy of the Pre-App advice letter from the Planning Officer to the Applicant will be obtained by the Clerk/Assistant Clerk for the attention of the Chairman/Vice Chairman of the Planning Committee, who should familiarise themselves with the details of the application, and the Officer's advice.

4. A meeting with the Applicant, if appropriate, may be arranged, to be attended by the Chairman and Vice Chairman of the Planning Committee. If either Councillor is unavailable a substitute member of the Planning Committee, or the Clerk/Assistant Clerk, should attend. There should always be two representatives of CBPC in attendance at a meeting with the Applicant, and advice should not be given to an Applicant by telephone.
5. The location of the meeting should be either at Treloweth Community Hall or, if thought necessary, at the site of the application.
6. At the meeting with the Applicant the Councillors / Officer representing CBPC should not give any indication to the Applicant of how CBPC Planning Committee will decide a full Planning Application based on the same facts. This is to avoid any suggestion of 'pre-determination'.
7. Expressions such as '*we would support.....*' or '*we would not support..*' should not be used. It would be appropriate to adopt a style that is-suggestive, such as '*have you considered doing*' or '*have you thought about....*'. This style is not prescriptive and can be used to guide or steer-an Applicant towards a final product which could be more likely to achieve approval.
8. The Chairman of the Planning Committee (or responsible Councillor / Officer as in para 4 above) will be responsible for making a record of the meeting, as per the Pre-App Record Form, and the completed form returned to the Clerk / Assistant Clerk within 24 hours of the meeting.



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Pre-App Record Form

(To be used when CBPC is approached by an applicant/agent in response to advice given in a Pre-App letter from a Planning Officer.)

Serial Number:					
Record of Initial Contact:					
Date:			Time:		
Method: (letter/telephone/email)					
Name:					
Address:					
PA Reference:			Copy attached:	☐ Yes ☐ No	
Details of Meeting:					
Date:		Start Time:		Finish Time:	
Meeting arranged by:					
Location:					
Councillors Present:	(1)		(2)		
Other Persons Present:					

Planning matters discussed:			
Signature of Chairman of the Planning Committee*:		Date:	
Signature of Vice Chairman of the Planning Committee*:		Date:	
* or responsible Councillor or Officer attending the meeting			